

## SECTION 12: SUBDIVISIONS CREATED BY RENT OR LEASE AND CONDOMINIUMS

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- A. General.** A subdivision created by rent or lease, including a mobile or manufactured home or recreational vehicle park, is any tract of land divided by renting or leasing portions thereof. It is owned, however, as one parcel under single ownership (which can include a number of persons owning property in common). Subdivisions created by rent or lease and condominiums are exempt from the survey requirements of these Regulations, but must be submitted for review and be approved by the governing body before possession of any portion thereof may be conveyed in any manner.
- B. Procedure.** Land subdivision created by rent or lease shall be reviewed in accordance with the procedures outlined in the Major Subdivision Section for proposals that include six or more mobile or manufactured home, condominium or recreational vehicle units; or the Minor Subdivision Section for proposals that include five or fewer mobile home, condominium or recreational vehicle units. The following exceptions to the Major and Minor Subdivision review procedures shall apply:
1. Final Approval Procedure:
    - a. The subdivider shall submit an original and three copies of the plan, with required revisions, together with all signed certificates and documents as required.
    - b. Before any portion of a rental or lease subdivision may be rented or leased the subdivider shall have installed all required improvements. (i) Preliminary plans, profiles, tentative grades and specifications for proposed improvements shall be submitted to the Commission for its approval prior to the construction of improvements. (ii) The Commission may provide for inspection of all required improvements in order to assure conformance with the approved construction plans and specifications.
    - c. The planning department shall review the plan to ascertain that all conditions of preliminary approval have been met.
    - d. The Commission shall examine the plan within 30 working days of the date of submission and shall approve it if it conforms to the conditions set forth on the preliminary plan and the terms of these Regulations. If approved, the Commission shall so certify in a printed certificate on the plan and provide the subdivider with one copy thereof. The original shall be filed with the Clerk and

Recorder and one copy of the approved plan shall be retained in the planning department. If disapproved, the Commission shall write the subdivider a letter stating the reasons therefore.

**C. Plans and Data.** Plans and supplemental information required in these Regulations shall be submitted with the following exemptions and additions.

1. Boundary Lines: All plans may show approximate boundary, lot, right-of-way, or other lines including the plan submitted for final approval.
2. Documents and Certificates: Only the following documents and certificates shall be submitted with or shown on the preliminary plan (draft or copy) and the plan submitted for final approval (final form and signed).
  - a. Covenants, restrictions, or lease and rental agreements.
  - b. Encroachment permits or a letter indicating intent to issue a permit where new roads, easements, and other subdivision improvements intersect or are located within city, county, or state highways or roads.
  - c. Certificates of Installation of Improvements by engineer.
  - d. Certificate of the Commission.
  - e. A letter of approval from the Commission where a zoning change is necessary (with plan for final approval only).
  - f. Certificate of Approval by MDEQ (with plan for final approval only).

**D. Standards for Mobile Home or Manufactured Housing Parks and Recreational Vehicle Parks.**

1. The Design and Improvement Standards of these Regulations shall be compiled with, except where otherwise noted below.
2. Space Layout: Required plans shall include a layout of a typical manufactured home space showing the location and dimensions of the space, stand, driveway and parking spaces in compliance with the following standards:

		<u>MOBIL OR MAN. HOME</u>	<u>REC. VEHICLE</u>
a.	Min. Space Area	6,000 sq. ft.	1,500 sq. ft.
b.	Minimum Space Width	60 feet	15 feet
c.	Minimum Stand Size	12'x 50', single wide 24'x 50', double wide	
d.	Setback of Stands from: Property line (exterior boundary) Interior roads: Public roads:	20 feet  15 feet 25 feet	25 feet
e.	Distance between Stands from: Side to side: Rear to rear:	25 feet 15 feet	
f.	Parking Spaces: For each lot For every 4 lots (guest parking) Space size	2 spaces 1 space 9' x 20'	

3. Road Design: Roads within mobile home or manufactured housing parks shall be improved in accordance with these Regulations. The subdivider shall not be required to reserve right-of-way in excess of road width. The roadway width, as measured from improved edge to improved edge shall be:

a.	Roads with parking allowances on both sides	40 feet
b.	Roads with parking allowances on one side	32 feet
c.	Roads without parking allowances	24 feet

As determined by the Road Department, roads within a mobile home or manufactured housing, or recreational vehicle park may either be public or private.

5. Mail Delivery: If mail delivery will not be to each individual space or unit, the mobile home, manufactured housing, or recreational vehicle park shall provide an off-road area for mail delivery within the park in cooperation with the United States Post Office.

6. Primary Access: All offsite access to mobile home or manufactured housing, or recreational vehicle parks shall meet the requirements for collectors or arterials in the Design and Improvement Standards of these Regulations. Mobile home, manufactured housing and recreational vehicle parks shall have direct access to a collector or arterial road.
7. Stand Access: Minimum access width to each mobile or manufactured home stand shall be twelve feet (12').
8. Second Access: To facilitate traffic, the provision of emergency services, and the placement of utility easements, the subdivider may be required to provide all mobile home or manufactured housing, or recreational vehicle parks with a second access.
9. Arrangement: Mobile or manufactured home spaces shall be arranged to permit the practical placement and removal of mobile or manufactured homes.
10. Limits Marked: The limits of each mobile or manufactured home space shall be marked on the ground with a suitable means prior to submittal of the plan for final approval.
11. Stand Base Requirements: Each mobile or manufactured home stand shall be constructed to provide adequate support for placement of the mobile or manufactured home, including a stabilize sub base along with an appropriate base material (gravel, concrete, etc.) and this base material shall be subject to Road Department approval.
12. Tie-Downs: Mobile or manufactured home stands shall be equipped with anchors or tie-downs in conformance with the Uniform Building Code.
13. Landscaping: Landscaping may be required to provide a buffer between mobile or manufactured home and recreational parks and adjacent properties.
14. Recreation Areas: A common recreational area(s) shall be provided in the mobile or manufactured housing or recreational vehicle park for use by all tenants and their invited guests. These areas shall be located to conveniently serve residents of the entire development, with a minimum total area of 400 square feet of recreational space for each mobile or manufactured home, or recreational vehicle space. Common recreation areas may include community recreation buildings and facilities.
15. If a subdivision that will provide multiple spaces for mobile or manufactured homes or recreational vehicles is also a "trailer court",

“work camp”, “youth camp”, or “campground as those terms are defined in section 50-52-102, MCA, the Commission will not grant final approval of the subdivision until the subdivider obtains a license for the facility from the Montana Department of Public Health and Human services under Title 50, Chapter 52, MCA.

**E. Standards for Condominiums.**

1. Condominium developments shall meet the minimum standards of the MDEQ, adopted pursuant to sections 76-4-101 through 76-4-128, MCA.
2. The Design and Improvement Standards of these Regulations shall be complied with, except where noted below.
3. Exemptions: Condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from subdivision review and approval requirements if:
  - a. The approval of the original subdivision expressly contemplated the construction of the condominiums and any applicable park dedication requirements of 76-3-621 are complied with; or
  - b. The condominium proposal is in conformance with applicable local zoning regulations.
4. Unit Ownership Act: Condominium development shall comply with all provisions of the Unit Ownership Act, Sections 70-23-102 through 70-23-703, MCA and all regulations adopted pursuant thereto.
5. Other Requirements: The subdivider shall comply with all other standards and requirements of these Regulations, and other local and state regulations. Condominium applications shall show the proposed location of buildings, snow storage, parking, and internal access.

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